

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAL ELECTRIC COMPANY,
Petitioner,

v.

UNITED TECHNOLOGIES CORPORATION,
Patent Owner.

Case IPR2016-01289
Patent 7,060,360 B2

Before GRACE KARAFFA OBERMANN, CHRISTOPHER M. KAISER,
and MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER
Remand Procedure and Briefing Schedule
37 C.F.R. § 42.5

On April 5, 2019, a conference call was held to discuss the procedure that will govern the remand phase of this proceeding. *See United Tech. Corp. v. Gen. Elec. Co.*, No. 2018-01600, 2019 WL 332754 (Fed. Cir. Jan. 25, 2019) (mandate issued Mar. 4, 2019). Neither party retained a court reporter for the call. This Order, therefore, represents the official record of the call.

The call was attended by Judges Obermann, Kaiser, and Ankenbrand for the Board, Mr. Brian Ferguson for Petitioner, and Messrs. David L. Holt and W. Karl Renner for Patent Owner. As an initial matter, counsel for both parties confirmed that, prior to the call, the parties had reached agreement as to the terms of a remand procedure and briefing schedule. Counsel for both parties requested that the Board adopt their agreed-upon remand procedure and briefing schedule. The Board indicated a willingness to do so, in the event that the parties' proposal was fair and reasonable in view of the particular facts and circumstances of the case, and would facilitate an expeditious entry of a remand decision.

The call lasted for about 20 minutes, including a short break to accommodate a panel conference outside the hearing of counsel. During the course of the call, counsel and the Board explored the breadth and content of the parties' agreed-upon remand procedure and briefing schedule. The Board determined that the parties' proposal is reasonable in view of the issues remaining in the case and, further, should facilitate the paramount goal of entering a fair and expeditious remand decision. Counsel for both parties expressly confirmed their agreement with every term of the remand procedure and briefing schedule, as set forth below.

Accordingly, the Board granted the parties' joint request for entry of the agreed-upon remand procedure and briefing schedule, the terms of which are set forth below.

It is

ORDERED that Petitioner shall file a Remand Brief by close of business on April 15, 2019;

FURTHER ORDERED that Patent Owner shall file a responsive Remand Brief by close of business on April 22, 2019;

FURTHER ORDERED that each Remand Brief shall be limited to seven (7) pages of text, excluding the caption, signature block, and table of contents, if any;

FURTHER ORDERED that no new evidence may be filed with any Remand Brief;

FURTHER ORDERED that each Remand Brief may contain new argument; however, the new argument must be confined to explaining the relevance of record evidence previously cited in a substantive brief;

FURTHER ORDERED that, although the parties are in agreement that an oral hearing is not necessary to afford adequate process on remand, the Board may order an oral hearing after briefing is complete, in the event the Board determines that an oral hearing may be helpful to the Board; and

FURTHER ORDERED that no other remand procedure or briefing is authorized at this time.

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PETITIONER:

Anish Desai
Megan Wantland
Brian Ferguson
WEIL GOTSHAL & MANGES LLP
GE.WGM.Service@weil.com
megan.wantland@weil.com
brian.ferguson@weil.com

PATENT OWNER:

W. Karl Renner
Timothy Riffe
Lauren Degnan
David L. Holt
FISH & RICHARDSON P.C.
Axf-ptab@fr.com
riffe@fr.com
degnan@fr..com
holt2@fr.com